

Part of What the BRC Does for OHV Folks - Legal Battles Up

ROADLESS LAWSUITS (U.S. Districts Wyoming, ND Cal; 9th & 10th Circuits). Briefing is still underway in the 10th Circuit appeal. On December 30th BlueRibbon and its pro-access partners filed a “friend of the court” brief in support of the State of Wyoming’s position seeking affirmation of the district court ruling, which would invalidate the 2001 Roadless Rule nationwide. Oral argument has been calendared for the case on March 10, 2010, in Denver

YELLOWSTONE & GRAND TETON PARK SNOWMOBILE SUITS (U.S. Districts of D.C. & Wyoming; D.C. & 10th Circuits). No change - the Park is open to snowmobiling, and matters are relatively quiet on the litigation front. Motions to dismiss still remain pending in the appeals and district court matters in the District of Columbia, and snowmobile interests continue to evaluate whether and how to participate in the lawsuit filed in the District of Wyoming challenging the current “318” rule. Updated information is always available at www.saveyellowstonepark.com.

GALLATIN NATIONAL FOREST (U.S. District of Montana). The Forest Service and both multiple-use intervenor groups, including our BRC/Treasure State Alliance-led group, have appealed to the 9th Circuit Court of Appeals seeking review of the district court decision ruling in favor of preservationist interests. The appeals are at their preliminary stages, with a mediation assessment conference set for February 4, 2010.

CDCA WEMO-NECO CASES (U.S. Northern District of California). The parties have reported that settlement of this matter will not be possible. A case management conference will be held on January 22, 2010, at which the Court will likely set a briefing schedule for presentation of the remedy question to the Court.

LITTLE BELTS TRAVEL PLAN CHALLENGE (U.S. District of Montana). Oral argument on the merits was held on January 14, 2010, at which Paul Turcke appeared on behalf of multiple-use plaintiffs, BRC and Russell Country Sportsmen et al. At the close of the hearing, the Court requested additional briefing on several questions, which will be concluded on February 5, 2010. A report on the hearing was published in the Great Falls Tribune and can be viewed at: <http://www.greatfallstribune.com/apps/pbcs.dll/article?AID=20101150328>.

SOUTHERN CALIFORNIA “FOUR FORESTS” SUIT (U.S. Northern District of California). The parties are still involved in settlement discussions, and a second settlement conference has been scheduled for January 29, 2010

CLEAR CREEK MANAGEMENT AREA(California). The Draft EIS on the Hollister Revised RMP has been released, which predictably continues BLM's path toward closure at CCMA through lack of an active management effort. BRC continues its review and advocacy effort, briefly summarized in a joint statement issued after the DEIS release:

<http://www.sharetrails.org/releases/?story=672&filter=media>. The voluminous DEIS is available at http://www.blm.gov/ca/st/en/fo/hollister/clear_creek_management_area/CCMA_RMP.html. At present, comments are due on March 5, 2010. Further information about the process and comments will be available as BRC completes its review and analysis of the DEIS.

SAWTOOTH FOREST TRAVEL PLAN (U.S. District of Idaho). No change- both the district court case on the merits and the motorized recreation groups' appeal from the denial of intervention remain fully briefed and pending before the respective courts.

UTAH RMPS LAWSUIT (U.S. District of Columbia). No change— motions to transfer the case remain pending, as does the United States' and SUWA's joint motion to stay proceedings to evaluate settlement. Intervenor, including TPA-COHVCO-BRC, have not been allowed to meaningfully participate in settlement negotiations and have opposed the joint motion.

ELDORADO TRAVEL PLAN (U.S. Eastern District of California). BlueRibbon and its pro-access partners continue their efforts to intervene in the suit filed by preservationist interests. A hearing on that motion, as well as status conference in the case, are presently set for February 22, 2010, in Sacramento.

OTHER MATTERS - The BRC Legal Team remains active in various ongoing matters, including the Tellico (North Carolina) closure, which is nearing the end of the administrative appeal process, and review of numerous Wilderness proposals, including the Tester (Montana), Hidden Gems (Colorado), and Johnson Valley (California) bills and underlying access issues. We are also involved in review of several recently-filed actions affecting California and Oregon access issues. _